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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/713,420

11/14/2003

Jui-Hsiang Chen

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2733

24504 7590 12/28/2006

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EXAMINER

KUHNS, ALLAN R

ART UNIT

PAPER NUMBER

1732

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/28/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/713,420

Applicant(s)

CHEN ET AL.

Examiner

Allan Kuhns

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1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2.Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bright (4,761,232) in view of Coombes et al. (5,290,494). Bright discloses the basic claimed process for preparing a porous material having interconnected pores including (1) dissolving a polymer and a low molecular weight oligomer in an organic solvent to form a polymer solution (column 2, lines 33-39 and column 4, lines 17-26), and (2) exposing the polymer solution to a coagulant to form the porous material, wherein the low molecular weight oligomer is soluble in the coagulant, and the polymer is insoluble in the coagulant. Bright teaches the practice of this process using PVC, rather than a bioresorbable polymer. However, Coombes et al. teach the aspect of forming a porous material by using a coagulating step with a solution including a bioresorbable polymer. It would have been obvious to one of ordinary skill in the art to practice the process of Bright while using a bioresorbable polymer, as taught by Coombes et al., since Coombes et al. have demonstrated the usefulness of forming porous structures from a bioresorbable polymer.

The solution of Bright effectively forms a perform, as in claims 2 and 27, since it is cast onto or into a macroscopic, porous substrate. This substrate acts as a mold surface, as in claim 3, and as a container, as in claim 4. Coombes et al. teach or suggest a drying step, as in claims 5-7 and 27, at column 5, line 67 to column 6, line 3,

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and Bright teaches drying at column 2, lines 60-62. Coombes et al. teach or suggest the use of a polymer, as in claims 8-11 (note column 6, lines 29-31). Bright teaches or suggests an oligomer, as in claims 12 and 13, and specifically discloses the use of PEG, as in claim 14, at column 4, lines 22 and 23. Bright also teaches the use of DMF, as in claim 15, at column 4, lines 20-21, and the prior art suggests formulations within the ranges of claims 16-18. Bright teaches the use of water as a coagulant, as in claim 19, at column 2, lines 39-62, and since Bright teaches an embodiment which includes the presence of a diluent alcohol at column 6, lines 10-15, the coagulant would inherently become a mixture, as in claims 20-22 and 26. Bright teaches or suggests further washing, as in claim 25, in column 3, and operating temperature ranges, as in claims 23 and 24, would be readily determined through routine experimentation by one of ordinary skill in the art, based on physical properties of constituents involved in the process.

3.Applicants' arguments filed October 7, 2006 have been fully considered but they are not persuasive. Applicants' arguments are considered to be moot by the examiner based on the revised ground of rejection introduced in this Office action.

4.Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (571) 272-1202. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on (571) 272-1176. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Allan R. Kuhns*  
ALLAN R. KUHN'S  
PRIMARY EXAMINER AO 1732  
12-21-06